

MICHIGAN BUSINESS TAX ACT (EXCERPT)
Act 36 of 2007

***** 208.1281.added THIS ADDED SECTION IS EFFECTIVE JANUARY 1, 2008 *****

208.1281.added Annual surcharge; imposition; levy; "Michigan personal income" defined; limitation on amount; applicability; administration, collection, and enforcement.

Sec. 281. (1) In addition to the taxes imposed and levied under this act and subject to subsections (2), (3), and (4), to meet deficiencies in state funds an annual surcharge is imposed and levied on each taxpayer equal to the following percentage of the taxpayer's tax liability under this act after allocation or apportionment to this state under this act but before calculation of the various credits available under this act:

- (a) For each taxpayer other than a person subject to the tax imposed and levied under chapter 2B, 21.99%.
- (b) For a person subject to the tax imposed and levied under chapter 2B:
 - (i) For tax years ending after December 31, 2007 and before January 1, 2009, 27.7%.
 - (ii) For tax years ending after December 31, 2008, 23.4%.

(2) If the Michigan personal income growth exceeds 0% in any 1 of the 3 calendar years immediately preceding the 2017 calendar year, then the surcharge under subsection (1) shall not be levied and imposed on or after January 1, 2017. For purposes of this subsection, "Michigan personal income" means personal income for this state as defined by the bureau of economic analysis of the United States department of commerce or its successor.

(3) The amount of the surcharge imposed and levied on any taxpayer under subsection (1)(a) shall not exceed \$6,000,000.00 for any single tax year.

(4) The surcharge imposed and levied under this section does not apply to either of the following:

- (a) A person subject to the tax imposed and levied under chapter 2A.
- (b) A person subject to the tax imposed and levied under chapter 2B that is authorized to exercise only trust powers.

(5) The surcharge imposed and levied under this section shall constitute a part of the tax imposed under this act and shall be administered, collected, and enforced as provided under this act.

History: Add. 2007, Act 145, Eff. Jan. 1, 2008.

Compiler's note: Enacting section 3 of Act 145 of 2007 provides:

"Enacting section 3. Sections 281 and 451 of the Michigan business tax act, 2007 PA 36, MCL 208.1281 and 208.1451, as added by this amendatory act, and sections 105, 111, 113, 201, 239, 265, 403, 405, 409, 413, 445, 447, 515, and 601 of the Michigan business tax act, 2007 PA 36, MCL 208.1105, 208.1111, 208.1113, 208.1201, 208.1239, 208.1265, 208.1403, 208.1405, 208.1409, 208.1413, 208.1445, 208.1447, 208.1515, and 208.1601, as amended by this amendatory act, take effect January 1, 2008 and apply to all business activity occurring after December 31, 2007."

Popular name: MBT